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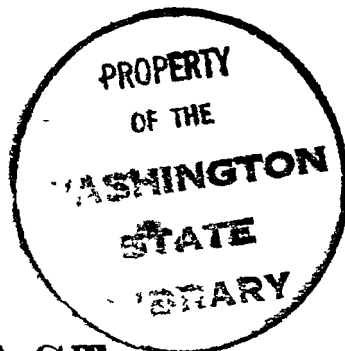
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AN ACT

ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF WASHINGTON.

CHAPTER I.

SCHOOL FUND.

- SECTION 1. School fund, how provided.
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- " 2. Duty of county commissioners to levy annual tax for school purposes.
Appropriation thereof.
- " 3. Fines, &c., to be added, to be appropriated to school fund.
- " 4. County auditor to report yearly tax, and clerk of district court, and justice of the peace, to report fines imposed, &c.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the principal of all moneys accruing to this Territory from the sale of any land heretofore given, or which may hereafter be given by the Congress of the United States for school purposes, shall constitute an irreducible fund, the interest accruing from which shall be annually divided among all the school districts in the Territory, proportionally to the number of children or youth in each, between the ages of four and twenty-one years, for the support of common schools in said districts, and for no other use or purpose whatever.*

SEC. 2. For the purpose of establishing and maintaining common schools, it shall be the duty of the county commissioners of each county, to lay an annual tax of two mills on a dollar,

on all taxable property of the county, as shown by the assessment rolls made by the county assessor for the same year, and to include the same in their warrant to the collector, and the said collector shall proceed to collect the said tax in the same manner as the other county tax is collected, and the said money so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts, to be drawn in the manner hereinafter prescribed; neither shall it be lawful for any county treasurer to receive county orders in payment for county school tax, nor to pay out any school money on county orders.

SEC. 3. For the further support of common schools, there shall be set apart by the county treasurer, all moneys paid into the county treasury, arising from all fines for a breach of any law regulating license for the sale of intoxicating liquors, or for the keeping of bowling alleys or billiard saloons, or of any penal laws of this Territory. Such moneys shall be paid into the county treasury, and be added to the yearly school fund raised by tax in each county and divided in the same manner.

SEC. 4. That it shall be the duty of the county auditor of each county, to report to the county superintendent of common schools, at least twenty days before the first Friday in November of each year, the amount of school tax levied in their respective counties for that year, and that it be the duty of the clerk of the district court, at the close of every term thereof, to report to the superintendent the amount of fines imposed during said term of court; and that it be the duty of all justices of the peace to report to the superintendent, at least twenty days before the first Friday in November of each year, the amount of fines imposed and collected by them for the past year.

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SCHOOL LAW.

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SEC. 1. There shall be elected by the legal voters of the respective counties, at the annual election, a county superintendent of common schools for each county, who shall hold his office for the term of three years; and in case of a vacancy occurring in said office by removal, death, or otherwise, the county commissioners of each county, be, and they are hereby authorized and directed to appoint a county school superintendent in all cases of vacancies in their respective counties, who shall hold his office and perform the duties of county school superintendent until his successor is elected and qualified according to law. The superintendent so appointed is hereby authorized and directed to receive district reports of scholars, &c., as by law required, and make the district apportionment of funds for the present year, and the county treasurer is hereby directed to pay the funds so apportioned, upon the order of said superintendent.

SEC. 2. The superintendent shall qualify within ten days after notice of his election, by taking an oath faithfully to discharge the duties of his office, and to the best of his ability promote the interest of education within his county; which oath shall be in writing, and placed on file in the county clerk's office.

SEC. 3. It shall be the duty of the superintendent to district the whole county, so that every resident of the county shall be included in some district; and to divide such portion of his

county as shall be inhabited into convenient school districts; to define the boundaries and numbers; and to prepare and keep in his office a map of the districts of the county, upon which the lines and boundaries of each district shall be clearly defined; he shall lay off new districts, or divide old ones, when the public good shall require it.

SEC. 4. Whenever any school district shall be formed by the superintendent, it shall be his duty to prepare a notice in writing of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district, who shall have asked for the formation of the same. It shall be the duty of said inhabitant, within two weeks after the receipt of such notice, to notify the other inhabitants of the district of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted up in three public places in the district, at least ten days previous to the time of meeting. In case the inhabitants fail to attend in sufficient number to do business as hereafter directed, notice may be renewed at such times as may be thought proper.

SEC. 5. It shall be the duty of the county superintendent to be at the county seat on the third Friday and Saturday of May and November of each year, for the purpose of examining teachers; and said superintendent shall give ten days' public notice of the same, by posting up hand-bills or otherwise. And any district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, not exceeding the sum of two dollars, and all teachers examined on different days shall pay to the superintendent the sum of one dollar.

SEC. 6. It shall be the duty of the superintendent to examine all persons who wish to become teachers in his county; he shall examine them in orthography, reading, writing, arithmetic, English grammar and geography; and if he be of the opinion that the person examined is competent to teach said branches, and that he or she is of good moral character, he shall give such person a certificate, certifying that he or she is qualified to teach a common school in said county; such certificate

shall be for the term of one year only; and may be revoked sooner by the superintendent for good cause.

SEC. 7. The superintendent shall visit all the schools taught in his county by a qualified teacher, at least once a year; he shall give such information and encouragement as he may think necessary; and endeavor to promote the introduction of a good and uniform system of school books throughout the county.

SEC. 8. It shall be the duty of the superintendent to receive the district reports hereinafter provided for, and keep them on file in his office; and he shall, on or before the first day of December of each year, make out from the district reports, a statement of the number of scholars in the county, the number of school libraries, the number of school houses, the number of districts; in how many districts a school has been kept in the past year; what school books are principally used; what proportion of all the scholars in the county have attended school for the past year, and the amount of money paid to teachers.— This statement, together with such other information and suggestions as he may deem important to the cause of education, he shall file in his office, and may, if convenient, publish it in some newspaper in this Territory.

SEC. 9. It shall be the duty of the superintendent at the same time, to make an apportionment of the school fund in the county treasury among the several school districts in their respective counties, in proportion to the number of persons in the district over the age of four and under twenty-one years, and certify the amount due to each district, which shall be drawn as hereafter directed, and shall forthwith notify the clerks of the school districts of the amount due their respective districts.

SEC. 10. When the districts shall have complied with the law, as hereafter directed, it shall be the duty of the superintendent to issue orders on the county treasury in favor of the clerks of the districts for the amount of the school funds appropriated to each; on the presentation of which order the treasurer of the county shall pay over to the clerks of the districts all moneys due the respective districts, and the clerks shall endorse on said order a receipt for so much as shall be paid thereon, and they shall also sign a duplicate receipt, which shall be deposited with

the superintendent, who shall credit the treasury of the county therewith and charge the same to the proper district.

SEC. 11. The superintendent shall, in the name of the county, collect, or cause to be collected, all moneys due the school fund from fines or from any other source in his county, and until the legislature shall make some provision for the disposal of the school lands given by Congress to the Territory for school purposes, it shall be the duty of the superintendent to preserve said lands from injury and trespass; and when it shall come to his knowledge that any trespass has been committed on such lands, he shall make complaint of the same before the grand jury of the proper county, at the first regular term of court after he has obtained a knowledge of such trespass; and all fines and other moneys thus collected shall be paid over to the treasurer of the county for the use of common schools and divided in said county in the same manner as other school funds.

SEC. 12. Any person trespassing upon or injuring the school lands as mentioned in the preceding section, shall be liable to be indicted for the same, and upon conviction shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars.

SEC. 13. The said superintendent shall be allowed out of the county treasury, in compensation for his services, the sum of twenty-five dollars a year. The county commissioners may, in their discretion, if they think the services rendered demand it, increase his salary to any sum not exceeding five hundred dollars a year; but in all cases where the salary exceeds the sum of twenty-five dollars, one-half of the excess shall be paid out of the school fund; provided also, that a proper amount shall be made in addition thereto for necessary books and stationery and for the preparing of the map required by section three; and in such county where there are not less than ten organized districts capable of supporting a school as required by law, a reasonable allowance shall be made out of the county treasury for other uses. But no more shall in any case be allowed until the map required by section three shall be placed on record.

CHAPTER III.

OF SCHOOL DISTRICTS.

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Sec. 1. A school meeting may be called at any time for the purpose of organizing a new district, as provided in section four, under the title of county superintendent. No number less than five legal voters shall constitute a quorum to do business in any district meeting.

Sec. 2. Such school meeting shall have power to do all necessary business that may be the regular annual school meeting would have.

Sec. 3. Such meeting when assembled shall organize by the appointment of a chairman and clerk. It shall then proceed by ballot to elect three directors. The election shall be held in person having the highest number of votes shall hold the

office for the term of three years, and the person having the next highest number shall hold his office for two years, and the person next highest one year, and each shall continue in office until his successor is elected and qualified. In case two or more persons of those so elected receive an equal number of votes, the duration of their term of office shall be determined by lot, in presence of the chairman and secretary.

SEC. 4. The term of office of a director not elected at the regular annual meeting, shall continue for the term of one, two or three years, as he may have been elected, from the next annual school meeting. unless such director shall be elected to fill a vacancy, in which case he shall continue in office for the unexpired term. So that at every annual school meeting after the first, there shall be elected one school director for the term of three years.

SEC. 5. The directors shall qualify within ten days after their election, by taking an oath or affirmation faithfully to discharge the duties of the office to the best of their abilities, and to promote the interest of education within their district. This oath shall be in writing and filed with the clerk of the district.

SEC. 6. It shall be the duty of the directors of every school district :

1st—To call special meetings of the district whenever they shall deem it necessary, and when a vacancy occurs by death, resignation or otherwise, the directors shall call a special meeting of the district to fill such vacancy.

2d—To make out a tax list of every district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant set opposite his name.

3d—To annex to such tax list a warrant directed to the clerk of the district for the collection of the sums in such list mentioned, including such per centage for fees of clerk as they may deem just, not exceeding five per cent.

4th—To purchase or lease a site for the district school house as designated by a meeting of the district, and to build, hire or purchase, keep in repair and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to the clerk for such purpose, and to have the custody and safe keeping of the district school house.

5th—To contract with and employ teachers; and they may be judges of the qualifications of teachers in their districts, but may require a teacher to get a certificate from under the hand of the county superintendent, as provided for in section six, chapter two. And in case the directors choose to be the judges of the qualifications of these teachers, they shall examine them in the various branches specified in said section six, chapter two, and shall give certificate to that effect, stating the branches upon which said teacher has been so examined by them, and that he or she is of good moral character, and is qualified to teach a common school; such certificate to be signed by each of the directors, and shall be for the term of three months only. No engagement with a teacher shall be valid so as to entitle any district to draw their apportionment of public money, unless such examination has been previously made, either by the directors or county superintendent.

6th—To give orders to the teachers on the district clerk for their wages.

7th—To discharge any school teacher for neglect of duty, or any cause that in their opinion renders his or her services unprofitable as a teacher, by first paying him or her for what time he or she may have been teaching.

SEC. 7. Any two of said directors shall constitute a quorum to do business.

SEC. 8. It shall be the duty of the directors to visit and examine the school or schools of their respective districts at least twice in each term; they shall endeavor, in connection with the county superintendent, to procure the introduction of a good uniform system of school books in their district. And when the teacher experiences difficulty in the government of the school, it shall be his duty to refer the cases of disorderly scholars to the directors, who shall decide how such scholar shall be punished, or whether they shall be dismissed from school.

CLERKS.

SEC. 9. The first annual school meeting shall also elect a district clerk, who shall continue in office for the term of three years. He shall qualify within ten days after his election, in

the same manner as the directors, and give bond to the district directors in such sum as they may require, that he shall well and truly perform the duties of his office, and pay over all moneys coming into his hands by virtue of his office, as by law directed. If a clerk be elected to fill a vacancy, he shall continue in office for the unexpired term; and if elected at the first meeting, not being the regular annual meeting, he shall continue in office three years from the next annual meeting.

SEC. 10. It shall be the duty of the clerk of the district—

1st—To record the proceedings of his district in a book to be provided for that purpose by the district.

2d—To give notice of annual or special meetings.

3d.—To procure a list of all persons in the district between the ages of four and twenty-one years.

4th—To give due notice, at least ten days before any tax that may be assessed shall be collected, by written or printed notices in three of the most public places in the district.

5th—To collect all district taxes which he shall be required by the warrant from the directors to collect, within the time limited in each warrant for its return; and he shall have the same authority to enforce the collection of such tax; and he shall be allowed for collecting such per centage as the directors may deem proper.

6th—To retain a copy of all reports made to the county superintendent relating to the affairs of the district.

SEC. 11. It shall be the duty of the clerk to furnish the county superintendent, within fifteen days after the first Friday of November of each year, a report containing the number and names of scholars in his district over four and under twenty-one years of age; how long a school has been kept in his district the past year; what school books are principally used; what proportion of the scholars in the district have attended school, and the amount of money paid to teachers, or otherwise expended.

SEC. 12. The clerk of each district shall, at the close of each year of his office, make out in writing a just and true account of all moneys received by him for the use of the district, and the manner in which the same shall have been expended, which account shall be read at the annual district meeting. The

clerk shall pay over all moneys remaining in his hands belonging to the district to his successor, when his successor has legally qualified, and upon a refusal or neglect so to do, the directors shall forthwith bring suit upon his bond.

SEC. 13. In all cases where the directors elect to examine their own teachers, it shall be the duty of the clerk to furnish the county superintendent with a copy of the certificate given by said directors, within ten days thereafter.

SEC. 14. District clerks shall be treasurers of their respective districts.

SEC. 15. All money coming into the hands of the district clerks shall remain in the hands of such clerk or clerks, subject to the order of the directors, and shall not be paid out in any other way.

TEACHERS.

SEC. 16. It shall be the duty of every teacher of a common school to procure a certificate of qualification and good moral character, before entering on the duties of a teacher. It shall be his duty to keep a register of the children attending school, their age, and the time when they begin, the time they continue, and of their daily attendance, which register shall be filed with the clerk of the district at the close of every term.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

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" 2. Who to be chairman and secretary of meeting.

" 3. Meetings may alter, repeal, &c., their proceedings.

" 4. District meetings may levy tax.

" 5. New districts failing to organize or report, not entitled to school funds.

Proviso.

" 6. Funds to be apportioned to organized districts only.

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- " 17. When certificate to be presented to superintendent.
- " 18. Scholar thus receiving his portion, not entitled to further benefit until after next annual apportionment.
- " 19. When parents, &c., may be assessed for their portion of necessary expenses of school.
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- " 29. Taxes for erection of school houses may be paid in labor.
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- " 31. A librarian to be appointed, by whom and when.
- " 32. Certain persons authorized to administer oaths under this act.
- " 33. Miscellaneous provisions as to fines and penalties.
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SEC. 1. The minutes of the first school meeting shall be signed by the chairman and secretary and delivered to the clerk of the district, who shall file the same in his office.

SEC. 2. In all school meetings, the director whose term of

office shall first expire, shall act as chairman, and the clerk of the district shall act as secretary.

SEC. 3. Districts shall have power to repeal, alter or modify their proceedings from time to time as occasion may require.

SEC. 4. District meetings legally called shall have power to levy a tax upon the property of the district for any purpose whatever connected with and for the benefit of schools, and the promotion of education in the district, subject to the restrictions hereinafter provided.

SEC. 5. Any new district failing to organize and report to the county superintendent the number of children over four and under twenty-one years of age in said district, at least ten days after the first Friday in November, or any district having been organized for the term of one year or more, failing to report to the county superintendent as required in section eleven of the chapter entitled "School Meetings" in this act, shall not be entitled to any portion of the county school fund for the year: *Provided*, That if the clerk of any school district shall fail to make such report, any inhabitant of such district may make such report, verified on oath, and the county superintendent shall receive it the same as if made by the clerk.

SEC. 6. The county superintendent shall apportion all the county school fund for that year among those districts only which have organized and reported according to law.

SEC. 7. No district shall be allowed to draw its apportioned county school fund from the treasury until it shall satisfy the county superintendent that a school has been kept in the district by a qualified teacher for at least three months, except as hereinafter provided.

SEC. 8. When the clerk of any school district shall satisfy the county superintendent that any amount has been raised in his district for the support of teachers or building school houses, and that a school has actually been kept by a qualified teacher, as provided for in the preceding section, the superintendent shall issue an order to the county treasurer in favor of the clerk of such district for its apportionment of county school funds in the treasury to the credit of such district.

SEC. 9. Any district failing to comply with the provisions

of the two preceding sections for the term of one year after any apportionment, shall forfeit its apportionment, and the amount thereof shall be again added to the county school fund, and divided again among all the districts.

SEC. 10. Districts having less than sixteen scholars between the ages of four and twenty-one years, and which, in the opinion of the directors, are not able to support a school, shall be excepted from the requirements of the three preceding sections, and may, by organizing and reporting to the superintendent according to law, draw their proportion of school money without being required to comply with the provisions of the school law any further than the said organization and report is concerned. And in such districts three legal voters shall constitute a quorum to do business; and it shall be the duty of the clerk of such district to let out all county school funds so received at interest, for the use of the district, on good security, until such time as it may be required for school purposes in said district. The clerk of the district and his securities shall be responsible for such money: *Provided*, That if the term of three years shall elapse before such weak district shall have at least three months' school, such district shall not be entitled to any apportionment of the county school funds after the expiration of the said three years, until they shall have complied with the law in the same manner as regularly organized districts are required to do.

SEC. 11. When a district is organized; it shall be to all intents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school houses in their own districts; and it shall be the duty of the directors to prosecute or defend any demands for or against their district, and notice shall be served upon one of the directors of any suit brought against a district.

SEC. 12. The directors of any district may permit scholars living out of the district to attend school, with or without charge, as they may deem proper.

SEC. 13. Any person or persons that shall be desirous of sending the child or children under their care to any other district school, may do so by first getting a permit in writing from the directors of the district in which they reside, provided there be no school in their own district, and such scholar or scholars

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assess, for any of the objects of property of non-resident holders, if necessary, without calling a meeting, where the inhabitants thereof are entitled to raise the amount required, do not exceed the average per centum of the taxes levied on the inhabitants of the district; but if a district shall levy a tax on all the taxable property of non-residents shall be assessed in the same manner, and in neither case shall any tax be levied on the one hundred dollars valuation property, according to the valuation made for the county taxes.

The directors may add such a per centum, not exceeding five, which they may deem requisite to remunerate the clerk for his services as collector, but the amount shall be specified as a separate item in the schedule or account of taxes so levied and assessed, and where any person shall pay the same within ten days after the notice of such tax is made public by the clerk, in accordance with the fourth clause of section ten of chapter three, the per centage shall be deducted, but in all other cases it shall be collected.

SEC. 24. The directors of any district may permit scholars from out of the district to attend school with or without tuition as they may deem proper.

SEC. 25. There shall be an annual school meeting held in each district upon the first Friday in November; and notice of all annual or special meetings shall be in writing, signed by the directors or the clerk of the district, and shall state the object for which the meeting is called, and shall be posted up in three public places in the district at least six days previous to the holding of such meeting.

SEC. 26. Every white male inhabitant over the age of twenty-one years, who shall have resided in any school district for three months immediately preceding any district meeting, or who shall have paid, or be liable to pay any tax except road tax in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote.

SEC. 27. Any school meeting shall be from time to time as occasion may require.

SEC. 28. A school meeting legally called by the vote of a majority present, shall have the right to dispose of property in the district.

SEC. 29. The tax payers may, or the directors of their district, perform the duty of taxation for the erection of school houses, and the clerk of said district shall be so returned by the clerk of said district.

SEC. 30. No person shall be eligible for election to the office of county superintendent, district director or of holding any other office within the Territory at the same time.

SEC. 31. It shall be the duty of the directors to appoint a suitable person for librarian when the district shall have procured a library.

SEC. 32. School superintendents, directors and clerks, shall be competent to administer oaths or affirmations in any case occurring under the provisions of this act.

MISCELLANEOUS PROVISIONS AS TO MONEYS ARISING FROM FINES AND PENALTIES BELONGING TO SCHOOL FUND.

SEC. 33. All fines imposed on any person or persons under the provisions of an act entitled "An act relative to Crimes and Punishments," passed January twenty-first, eighteen hundred and sixty, when the same shall be collected, shall be paid by the officer collecting the same, to the county treasurer as school funds of the county where such conviction shall have been had, who shall give duplicate receipts therefor, one of which shall be filed with the county auditor; and all officers refusing or neglecting to pay over any fines within one month after they shall have been received, shall, upon conviction thereof, be fined in four-fold the amount of such fines so received, which said fine may be collected in any court having jurisdiction.

No sheriff shall retain any moneys collected on execution more than twenty days before paying the same to the clerk of

the clerk who issues the writ, under penalty of twenty per cent. on the amount to be paid by the sheriff, the one-half judgment is payable, and the other half to the commissioners of the county wherein the use of the school fund of the county.

And immediately after the receipt of any moneys collected on any judgment, notify the party to whom the same is payable, and pay over the amount to the said party on demand. On failure to so notify and pay over, (without reasonable cause shown for delay) the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff.

If the owner or person entitled to the possession of any stray shall not appear and make out his title thereto and pay the charges thereon, within one year from the time when the notice is filed with the county clerk, as is provided in the fourth section of an act relative to estrays, passed February first, eighteen hundred and sixty, such stray shall be sold at the request of the finder, by any constable of the precinct, at public auction, upon first giving public notice thereof, in writing, by posting up the same in three of the most public places in said precinct, at least ten days before such sale, and the finder may bid therefor at such sale; and after deducting all the lawful charges of the finder as aforesaid, and the fees of the constable, the proceeds shall be the same as upon a sale on execution, one-half of the remaining proceeds of such sale shall be deposited in the treasury of the county, to be applied to the common school fund of said county, the other half shall belong to the finder.

Any money that shall be deposited with any county treasurer under the provisions of an act entitled "An act relative to unclaimed property," which shall not be claimed by the owner thereof, or his legal representative, within five years, the same shall belong to the county, and shall be applied to the common school fund of said county.

If the owner of any lost money or goods shall fail to appear within one year and make out his right thereto, then the finder of such lost money or goods shall pay one half the value thereof, after deducting all legal charges, to the treasurer of the county for school purposes; and in case such finder shall neglect to pay

the same on demand, after the expiration of the same may be sued for and recovered in the name of the county, for school. If any finder of lost money or dollars or upwards, shall neglect to give otherwise to comply with the provisions to lost money or goods," he shall be liable such money or goods, one-half to the purposes, and the other half to the same, and shall also be responsible money or goods.

shall sue for the owner for such lost

That any person or persons who own or are the owners of dangerous or vicious cattle, which animal or animals are known to endanger the safety of persons traveling through neighborhoods, by their dangerous and vicious disposition, such person or persons having twelve hours' notice of the dangerous disposition of such animal or animals, and shall or refuse effectually to prevent such cattle from disturbing the peace and safety of the neighborhood where such animals may range, such owner or owners shall be liable to a fine of not less than five dollars nor more than fifty dollars, which may be recovered before any justice of the peace of the county, with costs of suit, for the use of the school fund.

SEC. 34. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Passed January 27, 1863.